

**13A.330 Notification of finding of deficiency -- Governor's determination after finding of deficiency.**

- (1) (a) If a filed ordinary administrative regulation has been found deficient, the legislative committee shall transmit to the Governor and the regulations compiler:
    1. A copy of the finding of deficiency and other relevant findings, recommendations, or comments; and
    2. A request that the Governor determine whether the administrative regulation shall:
      - a. Be withdrawn;
      - b. Be amended at a legislative committee meeting pursuant to KRS 13A.320 to conform to the finding of deficiency; or
      - c. Become effective pursuant to the provisions of this section notwithstanding the finding of deficiency.
  - (b) The Governor shall transmit his or her determination to the Commission and the regulations compiler.
  - (c) A filed ordinary administrative regulation that has been found deficient shall be considered as adopted and become effective after:
    1.
      - a. The review period established in this chapter has been completed; and
      - b. The regulations compiler has received the Governor's determination that the administrative regulation shall become effective pursuant to the provisions of this section notwithstanding the finding of deficiency; or
    2. The legislative committee that found the filed administrative regulation deficient subsequently determines that it is not deficient in accordance with KRS 13A.335, provided that this determination was made prior to receipt by the regulations compiler of the Governor's determination.
- (2) (a) If an emergency administrative regulation has been found deficient, the legislative committee finding it deficient shall transmit to the Governor and the regulations compiler:
    1. A copy of the finding of deficiency and other relevant findings, recommendations, or comments; and
    2. A request that the Governor determine whether the emergency administrative regulation shall:
      - a. Be withdrawn;
      - b. Be amended at a legislative committee meeting pursuant to KRS 13A.320 to conform to the finding of deficiency; or
      - c. Remain effective as established in KRS 13A.190(4) notwithstanding the finding of deficiency.
  - (b) The Governor shall transmit his or her determination to the Commission and the regulations compiler.
  - (c) The legislative committee that found the emergency administrative

regulation deficient may subsequently determine that it is not deficient in accordance with KRS 13A.335.

- (3) If an effective ordinary administrative regulation has been found deficient by a legislative committee, the legislative committee shall transmit to the Governor a copy of its finding of deficiency and other findings, recommendations, or comments it deems appropriate.

**Effective:** February 2, 2021

**History:** Amended 2021 Ky. Acts ch. 7, sec. 17, effective February 2, 2021. -- Amended 2019 Ky. Acts ch. 192, sec. 13, effective June 27, 2019. -- Amended 2005 Ky. Acts ch. 100, sec. 22, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 406, sec. 19, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 38, sec. 8, effective July 15, 1998; and ch. 350, sec. 2, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 180, sec. 17, effective July 15, 1996; and ch. 269, sec. 1, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 410, sec. 26, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 516, sec. 31, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 71, sec. 6, effective July 15, 1988. -- Created 1984 Ky. Acts ch. 417, sec. 33, effective April 13, 1984.